

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. **13-cv-2746-AP**

TODD RESLEY,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner of Social Security,

Defendant.

ORDER FOR SENTENCE 6 REMAND

Kane, J.

This social security appeal is before me on Plaintiff's Motion for Remand (Doc. 13). Plaintiff seeks a remand so the ALJ may consider a corrected version of his treating physician's affidavit regarding visual limitations suffered a result of an orbit fracture of his face. Specifically, the physician has indicated that the statement in her original affidavit that Plaintiff would "constantly" be able to use his depth perception and field of vision in a work setting was "an error," and that what she intended to say was that Plaintiff would be able to use his depth perception and fields of vision in a work setting only "rarely."

Plaintiff initially characterized the relief requested as a motion for remand under "sentence 4" of 42 U.S.C. § 405(g), but agreed after considering the government's arguments in response that any pre-merits remand of this matter would have to be under sentence 6. I agree, and rule that consistent with Rule 1

of the Federal Rules of Civil Procedure, the just, speedy, and most efficient means of addressing the matter is to grant the remand requested over the government's objection. Accordingly,

IT IS ORDERED that Plaintiff's Motion for a sentence 6 Remand is GRANTED. This matter is REMANDED to the ALJ for consideration of Dr. Kruger's corrected affidavit.

Dated March 13, 2014.

s/John L. Kane
SENIOR U.S. DISTRICT JUDGE